

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROBBINS, ET AL., )  
                        )  
Plaintiffs,         ) Civil Action No. C-1-00 706  
-v-                    )  
MATTEL, INC.,         )  
Defendant.           )

Judge Weber

Magistrate Judge Hogan

**SETTLEMENT ORDER**

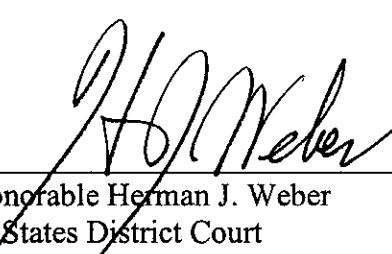
Plaintiffs/Counterclaim Defendants John T. Robbins, Jerald Robbins, Myrna Rose, Raymond Robbins, the Estate of Myrtle Marie Robbins, Ka-Ray, Inc., the Merlin Robbins Marital Trust, and the Merlin Robbins Residual Trust (collectively, "Plaintiffs"), and Defendant/Counterclaimant Mattel, Inc. ("Mattel") respectfully submit the following Settlement Order that shall have the full force and effect of a final judgment. The parties have each conducted extensive investigation in preparation for trial in this case, as embodied in the Stipulated Findings of Fact and Law, which are filed with and incorporated by reference herein, and request that this Settlement Order be entered in order to bring this action to a final and full conclusion in light of the facts discovered by the Parties.

IT IS HEREBY ORDERED AND DECREED THAT:

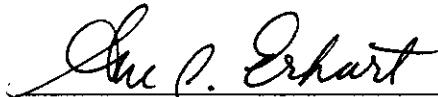
- (1) This Court has jurisdiction over the parties and subject matter of this action;

- (2) The parties agree to perform and are hereby Ordered to perform the Settlement Agreement executed by them;
- (3) Final Judgment is entered in Mattel's favor on Counts I, II and III of Plaintiffs' Complaint in accordance with and to the extent granted in the Court's Orders dated March 21, 2002 and October 18, 2002;
- (4) Plaintiffs' remaining claims in the Complaint and Mattel's counterclaims filed in this action are dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(2);
- (5) The Court adopts the Stipulated Findings of Fact and Conclusions of Law which are incorporated herein and filed with this Settlement Order;
- (6) This Court retains jurisdiction over the parties for purposes of interpreting or enforcing this Order or the parties' Settlement Agreement; and
- (7) Each side shall bear its own costs and attorneys' fees in the present action.

DATED: January 21, 2004

  
The Honorable Herman J. Weber  
United States District Court

APPROVED FOR ENTRY:



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROBBINS, et al.,	)	CIVIL ACTION NO. C-1-00 706
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
MATTEL, INC.,	)	
	)	
Defendant.	)	
	)	

**STIPULATED FINDINGS OF FACT**  
**AND CONCLUSIONS OF LAW**

EXHIBIT  
A

Plaintiffs/Counterclaim Defendants John T. Robbins, Jerald Robbins, Myrna Rose, Raymond Robbins, the Estate of Myrtle Marie Robbins, Ka-Ray, Inc., the Merlin Robbins Marital Trust, and the Merlin Robbins Residual Trust (collectively, "Plaintiffs"), and Defendant/Counterclaimant Mattel, Inc. ("Mattel") respectfully submit the following Stipulated Findings of Fact and Conclusions of Law. The parties have each conducted extensive investigations in preparation for trial in this case and request that these Stipulated Findings of Fact and Conclusions of Law be incorporated into the Settlement Order of the Court, in order to bring this action to a final and full conclusion in light of the facts discovered by the Parties.

**Stipulated Findings of Fact**

Based on the parties' investigation, and with the parties' consent, the parties hereby consent to the following Stipulated Findings of Fact:

1. In or about 1971, Merlin Robbins and Raymond Robbins founded The UNO Company. At the direction, instance and expense of Merlin Robbins and Raymond Robbins, both doing business as The Uno Company, Myrtle Marie Robbins drafted and typed the text for certain written instructions describing the method of playing the card game UNO (the "Text"). Merlin Robbins and Raymond Robbins, both doing business as The Uno Company, reviewed the Text and adopted it as the text for the written instructions for the card game. The foregoing describes the totality of Merlin Robbins' and Raymond Robbins' involvement in the drafting of the Text. Also in or about 1971, Merlin Robbins and Raymond Robbins, doing business as The UNO Company, commissioned the preparation of a graphic image, representing a human hand holding an UNO game card (the "Graphic"), to be utilized in connection with UNO. The

Graphic was prepared at the direction, instance and the expense of Merlin Robbins and Raymond Robbins, both doing business as The Uno Company.

2. On June 4, 1971, Merlin Robbins and Raymond Robbins applied as joint copyright claimants for a copyright registration in a composite work consisting of (1) the Text created as a work for hire, and (2) the Graphic created as a work for hire (collectively, the "1971 Instructions."). The U.S. Copyright Office issued a registration for the 1971 Instructions as U.S. Copyright Registration No. A249531 (the "'531 Copyright") on June 25, 1971. No copyright registration was obtained for the Text or the Graphic separately.

3. On November 6, 1972, Merlin Robbins and Raymond Robbins entered into an agreement entitled "Assignment and Agreement" with Robert Tezak (the "1972 Agreement"). The 1972 Agreement transferred all right, title and interest associated with UNO, including without limitation all rights to the '531 Copyright and all renewal rights, to Tezak. The 1972 Agreement obligated Tezak or his successors to pay defined, per-"Unit" royalties to Merlin Robbins and Raymond Robbins or their successors through June 4, 1999.

4. On November 22, 1972, Robert Tezak assigned all of his right, title and interest in the 1972 Agreement to International Games, Inc.

5. In 1980, Merlin G. Robbins and Raymond G. Robbins filed suit against International Games, Inc. In settlement of that lawsuit, on June 4, 1982, Merlin Robbins, Raymond Robbins, M. Marie Robbins and Kathleen Robbins entered into an "Agreement and Mutual Release" with International Games, Inc. (the "1982 Agreement").

6. In or about 1992, Mattel acquired International Games, Inc. and became the successor to the 1972 and 1982 Agreements and all rights thereunder.

7. The written instructions that Mattel has included with its UNO card games and other products since 1992 through today were not and are not substantially similar to any expression protected by the '531 Copyright.

8. Mattel has not derived, and does not derive, any profits from any alleged use of the 1971 Instructions.

**Conclusions of Law**

In light of the foregoing Findings of Fact, the parties stipulate to the following Conclusions of Law:

1. The work that is the subject of the '531 Copyright is a composite work.
2. Because the work that is the subject of the '531 Copyright was, in its entirety or at least in material part, also a work made-for-hire, the entirety of the work of the '531 Copyright is deemed to be a work made-for-hire.
3. Mattel is the sole and exclusive owner and proprietor of all right, title and interest in the '531 Copyright. Plaintiffs have no right, title or interest, including without limitation any copyright, trademark or other intellectual property right, in the '531 Copyright or in the renewals or extensions of the '531 Copyright.

Dated: November 6, 2003

By: John Robbins

John Robbins

On behalf of himself, as executor of the  
Estate of Myrtle Marie Robbins, as attorney-  
in-fact for Raymond Robbins, as executor of  
the Estate of Merlin Robbins, as an officer  
and director of Ka-Ray, Inc., as trustee for  
the Merlin Robbins Marital Trust, and as  
trustee the Merlin Robbins Residual Trust

Dated: November 6, 2003

By: Jerald Robbins

Jerald Robbins

Dated: November 6, 2003

By: Myrna Rose

Myrna Rose

Dated: November 19, 2003

MATTEL, INC.

By: Jim Wray

Its: Sr. Vice President

**APPROVED AS TO FORM**

WOOD, HERRON & EVANS, L.L.P.

Dated: November   , 2003

By:

  
BRUCE TITTEL, ESQ.

Attorneys for The Robbins

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

Dated: November 10, 2003

By:

  
MICHAEL T. ZELLER, ESQ.

Attorneys for Mattel, Inc.